

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:05CV263  
(1:03CR50-1)**

<b>CHARLES JETER GRIFFITH,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>Vs.</b>	)	
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**ORDER**

**THIS MATTER** is before the Court on the Petitioner's motions for a court order requiring the Respondent to file answer to his motion made pursuant to 28 U.S.C. § 2255 and to order his immediate release from custody.

While the Petitioner is correct that his § 2255 motion has been pending some ten months, the Court notes for the record that the Petitioner's motion is one of more than 50 such cases and that number increases weekly. While the Court endeavors to adjudicate these cases in a timely manner, the heavy demands of jury trials for civil and criminal cases have taken priority. The Court further notes that not all § 2255

cases warrant answer from the respondent and there is no precedent for a petitioner to be released from custody pending disposition of his case. The motions will, therefore, be denied.

**IT IS, THEREFORE, ORDERED** that the Petitioner's motions for an order requiring response from the Respondent and for his immediate release from custody are hereby **DENIED**.

Signed: May 3, 2006

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

